

REMARKS

Claims 1 – 7, 9 – 16, 19 – 21 and 42 – 49 are pending. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 7, 15, and 47 were objected to. Claims 7, 15 and 47 have been amended as suggested in the office action. Withdrawal of the objection is respectfully requested.

Claims 1, 5, 9, 11, 22, 23, 30 and 32 were rejected under 35 USC 112, second paragraph, as being indefinite. Each of the instances of indefiniteness identified in the office action has been remedied. Specifically, claims 1, 11, 22, 23, 30 and 32 have been amended. In view of the amended claims, the examiner is respectfully requested to reconsider and withdraw the rejection.

It is noted that there is no rejection over a reference of the following claims: 1 – 7, 9, 10, 19, 21, 23 – 25, 32 and 42 – 47. Consequently, it is submitted that these claims are allowable.

Claims 20, 22, 26-31, 48 and 49 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,375,910, Deebe et al. (“Deebe”). Claims 11 – 16 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,174,835, Naito et al. or WO 99/19060 (collectively “Naito”). Independent claims 11, 20 and 26 have been amended. Support for the amendment is located in the specification, for example, page 13, lines 3 – 21; page 14, lines 3 to page 15, line 27; and original claim 8. Insofar as the rejection may be applied to the claims as amended, the applicants respectfully request that this rejection be withdrawn for reasons including the following, which are provided by way of example.

Claim 20, as amended, recites in combination, for example, “one or more of the elements that constitute the ceramic substrate is substituted with an element other than a constituent

element, and the ceramic carrier is capable of supporting a catalyst metal directly on the substituting element.” (See also claims 11 and 26.) Thereby, the pores or defects in the crystal lattice of the ceramic substrate including oxygen defects and lattice defects are effective to directly support the catalyst on the substrate surface, while the crystal lattice is effective to support a thermally ceramic carrier for a catalyst. (E.g., specification page 13, lines 3 – 7.)

Without conceding that Deeba discloses any feature of the present invention, Deeba is directed to a multi-zoned catalytic trap. The office action asserts that Deeba discloses the invention as recited in claims 20 and 26. To the contrary, Deeba fails to teach or suggest the invention, as presently claimed, when the claims are considered as a whole. For example, Deeba fails to teach or suggest the ceramic substrate where one or more of the elements is substituted with an element other than a constituent element, as further recited.

Naito is directed to an exhaust gas purifying device and method. The office action asserts that Naito discloses the invention as recited in independent claim 11. To the contrary, Naito also fails to teach or suggest the recited ceramic substrate where one or more of the elements is substituted with an element other than a constituent element.

Deeba and/or Naito fail to teach or suggest, for example, these elements recited in independent claims 11, 20 and 26. It is respectfully submitted therefore that claims 11, 20 and 26 are patentable over Deeba and/or Naito.

For at least these reasons, the combination of features recited in independent claims 11, 20 and 26, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, Deeba and/or Naito clearly fails to show other claimed features as well.

With respect to the rejected dependent claims, the applicants respectfully submit that these claims are allowable not only by virtue of their dependency from independent claims 11, 20 and 26, but also because of additional features they recite in combination.


Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



David G. Posz
Reg. No. 37,701

Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400